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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
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WASHINGTON, DC 20231
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MAR 13 2003

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OFFICE OF THE DIRECTOR
TC 3600

In re application of

Glenn Bingham et al.

Application No. 09/991,883

Filed: January 31, 2001

For: MEETING SITE SELECTION BASED ON
ALL-INCLUSIVE MEETING COST

: DECISION ON REQUEST
: FOR WITHDRAWAL OF
: ATTORNEY

This is a decision on the request filed on January 7, 2003, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

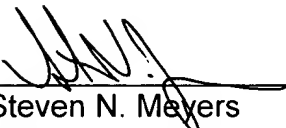
The request is **NOT APPROVED** as **MOOT**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- ✓ A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved as moot because the attorney making the request and the attorneys of Finnegan, Henderson, Farabow, Garrett & Dunner, do not now have, and apparently never have had, power of attorney in this application.

The application transmittal letter of November 26, 2001 indicated that "since power does not appear in the original declaration, power will be supplied following receipt of a Notice to File Missing Parts of Nonprovisional Application." A response to the Notice to File Missing Parts of Application was received February 6, 2002; however, it did not include a power of attorney to Finnegan, Henderson, Farabow, Garrett & Dunner. Furthermore, the correspondence address was improperly changed since the attorney signing the transmittal letter did not have authorization to change the correspondence address per 37 CFR 1.33.



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SNM/tpl: 3/12/03

cc: Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
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